

**MINUTES OF THE  
LAKE COUNTY PLANNING COMMISSION  
March 27, 2007**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Vice-Chairman Siegel called the meeting to order at 7:10 p.m.

**ROLL CALL**

The following members were present: Messrs. Adams, Aveni (alt. for Aufuldish), Klco (alt. for Troy), Morse, Schaedlich, Siegel, Zondag, and Ms. Hausch. Staff present: Messrs. Webster, Radachy, and Ms. Myers.

**MINUTES**

Mr. Schaedlich moved and Mr. Adams seconded the motion to approve the February 27, 2007 minutes as submitted.

Seven voted "Aye".  
Mr. Aveni abstained.

**FINANCIAL REPORT**

Ms. Hausch moved to approve the February, 2007 Financial Report as submitted. Mr. Schaedlich seconded the motion.

All voted "Aye".

Mr. Webster explained the need to approve payment of the annual computer maintenance contract for \$1,873.16, which covers printers and computer equipment in the office.

Mr. Adams moved to approve the \$1,873.16 payment for the annual computer maintenance contract. Mr. Schaedlich seconded the motion.

All voted "Aye".

**PUBLIC COMMENT**

There was no public comment.

**LEGAL REPORT**

Mr. Michael DeLeone, Assistant Prosecutor, stated there was no legal report.

**DIRECTOR'S REPORT**

Mr. Webster stated everything was moving along well with comprehensive planning. The month of April will be spent writing for all three communities. There will be an update in May with the North Perry Village, Madison Township and Madison Village contracts.

Fairport Harbor officials asked the staff to meet with them to see where we could help them with planning and zoning services. A copy of their letter formally requesting the office to proceed with planning for the Village through a pilot effort on a gratis basis is in the package mailed to the members. They wanted suggestions for the inclusion of Architectural Review in their Zoning Code, consideration of a revised Chapter 1129, "Height and Area Requirements", and a request to address a piece of Village-owned property known as the "Devil's Strip". The request concerning the "Devil's Strip" has been withdrawn because this property looks as though it might be in the right-of-way. The staff is hopeful this will lead to future contracts with the Village to provide some monthly or annual services.

Mr. Zondag moved to approve the staff working with Fairport Harbor on the employment of a gratis plan for their planning and zoning services. Ms. Hausch seconded the motion.

All voted "Aye".

Mr. Webster explained that the staff is in the process of developing a chart of fees for services.

#### Member Conduct

Attention was brought to the problem the members have had in correcting a main motion when necessary in the past and the problem the office is having hearing the tapes because of side conversations and noises, such as paper shuffling. Information was distributed on the types of motions that could be used for the members to reference.

Discussion on these topics ensued as follows:

- One person should be talking at a time.
- Side conversations needed to be controlled. The Chairman should take the initiative to call the members out of order when necessary.
- Motions needed to be stated completely and properly.
- A motion may be amended by stating the amendment, voting on the amendment, and then voting on the existing motion as amended or you can withdraw the motion and the second, make a new motion and vote on this motion. When using the first method, you could make more than one amendment.
- The person taking notes should be requested to read the motions back prior to the members voting on them. The members need to ensure the person takes the motion down completely and correctly.
- Mr. DeLeone suggested it would be much easier to withdraw the motion and second and make a new motion rather than making an amendment, voting on the amendment, and then voting on the main motion with the amendment in it orally.
- The Prosecutor's office will be asked to give some background on Robert's Rules and other meeting ethics and conduct, such as stating a motion in the positive. This meeting could be set outside of the regular Planning Commission meeting.

## SUBDIVISION REVIEW

### Subdivision Activity

Mr. Radachy gave his subdivision activity report as follows:

- Summerwood, Phase II, in Concord Township was recorded last Friday. This takes Summerwood Drive out to Rt. 608.
- Mountaintop Estates, a 14-lot subdivision in Concord Township that connects Mountainside Farms, Phase 3 to Mountainside Farms, Phase 1 has approved preliminary plans and can begin construction.
- Crestview Subdivision consists of three lots along Pinecrest Road. Its improvement plans have been approved.
- Madison Meadows, Phase I had some issues that have now been squared away. The Subdivision will be going on the Commissioners' agenda this Thursday and will probably be recorded either Thursday or Friday.
- Azalea Road in Perry Township is going into maintenance.

There were no subdivisions to be considered this month.

## LAND USE AND ZONING REVIEW

### Leroy Township – Proposed Text Amendments to Sections 7.08 and 15.07

Mr. Radachy stated that Leroy Township was amending their regulations to give a better indication of how to define corner lots and where the setback line is meant to be, which is 50 feet from the right-of-way line.

The Land Use and Zoning Committee recommended the text changes be made.

Mr. Adams moved to recommend approval of the Land Use and Zoning Committee and Mr. Morse seconded the motion.

All voted "Aye".

### Concord Township – Proposed Text Amendments to Sections V, XIII, XXIX, Other Miscellaneous, Fee Schedule and Add New Sections XXII, XXXVI, XXXVII, XXXVIII

A summary of all eight Concord Township Zoning Text amendment recommendations by the Land Use and Zoning Committee was included in the member handout on page 7.

Mr. Radachy informed the members that these amendments were derived from the Auburn-Crile Roads Corridor Study this office completed in 2006. Staff has been assisting Concord Township with writing the amendments since May, 2006. Now they are ready to go to a public hearing. He explained to the Commission members that they would be recommending on everything except the fee schedule.

Vice-President Siegel wanted to address each case individually.

*Case #1 – Adding Section 22 on design standards for B-1, GB (new Gateway Business District), BX and RD-2.*

A table overview of zoning uses in Concord Township has been added so a person can see at a glance what is permitted and what is conditional for these districts. The standards increase the frontage in B-1 from 60 feet to 100 feet and RD-2 to 200 feet.

Mr. Radachy explained that medical, dental and administrative offices were taken out of the BX zone. The Land Use and Zoning Committee thought these should remain because of the new hospital. They would also like to see a better definition of “retail establishment inside an enclosed building”, which covers everything from a convenience store to a butcher shop, to make it easier to understand what uses were permitted. The Committee recommended this text amendment be added with these modifications.

Mr. Zondag was concerned about where the designation for the medical, dental and administrative offices would fit in if the Township rejected our recommendation and it was taken out of the BX zone. He was informed that they were permitted uses in B-1, the new GB districts and in part of the permitted uses in the RD.

Mr. Aveni questioned the reasoning behind increased frontages in the GB District from 60 feet to 100 feet and the number of lots that would be affected by it. Mr. Radachy said the reason behind it was to eliminate flag lots. Mr. Aveni saw no problem with a flag lot in a commercial development area if they wanted to put in another allowable use.

There is only a limited amount of flag lots in Concord now.

Mr. Radachy stated they wanted to enforce proper subdivision in private streets in case the owners grow tired of maintaining the flag lots and want them to become public. At that point, it would not be up to the standards and would become an administrative nightmare. He used Achilles Drive as an example.

Mr. Boyd added he felt their planning mindset was that, with the amount of growth being anticipated because of the hospital, the smaller frontages could result in a haphazard corridor. They want to have some sort of conventions in place because they currently have no minimum lot size for businesses. They were projecting what this area is going to look like in 20 years.

Mr. Schaedlich stated there could still be a right-of-way put in to land that is behind the existing buildings. Mr. Radachy said there is a provision that allows you to create cul-de-sacs with a reduced frontage and still have a proper lot.

Mr. Schaedlich moved to approve the recommendation from the Land Use and Zoning Committee regarding Concord Township Case #1 and Mr. Klco seconded the motion.

All voted “Aye”.

*Case #2 – Revision of the Definition section.*

Because of the revised Table of Uses, Mr. Radachy explained, the definitions in Section V needed to be revised.

The Land Use and Zoning Committee recommended approval of Case #2 with the modification of definitions #87 from "... electrical, *and* roofing" to "... electrical *or* roofing" and #137 from "studios *and* similar activities" to "studios *or* similar activities".

Mr. Adams suggested changing definition #4 to include health care. He was informed this use was included in the medical and dental offices definition. Further clarification was made saying the key words that would include these usages was "on an outpatient basis". Mr. Adams said it appears that in other areas everything is so specific that it seems if it is not listed, it is not allowed. He suggested a blanket health care classification to be added.

Mr. Adams wanted to know if people with Alzheimers disease were excluded from definition #10, Adult Care Facility. He was informed that if the person regularly required restraint, they would not be allowed at an adult care facility, but they could use a nursing home facility.

Mr. Schaedlich commented that this was one of the most comprehensive lists of definitions he had ever seen. He complimented the staff on the work they did with Concord Township to get all this together.

Mr. Schaedlich moved to recommend approval of Case #2 for Concord Township with the recommendations of the Land Use and Zoning Committee. Mr. Morse seconded the motion.

All voted "Aye".

### *Case #3- Revise Conditional Use Section XIII.*

Mr. Radachy explained that this revision will update the procedural requirements and expand the general requirements. The revision will also add new criteria for proposed conditional uses that are listed in the new permitted use table.

Land Use and Zoning recommended approval of the text changes with suggestions to add a paragraph to 13.25 D providing a floor plan designating present location, exits and evacuation routes to be posted in conspicuous locations within the bed and breakfast; add the National Fire Protection Association to the agencies whose regulations are to be complied with in Section 13.27 C; any exemptions in outdoor storage in Section 13.34 need to be better explained; and raise the percentage allowed for outdoor dining to 35% of the footprint or seating capacity in Section 13.35.

Mr. Siegel thought A and B were something the Fire Chief covered. It was agreed that the Fire Chief would be enforcing these. The Fire Chiefs felt the NFPA should also be added to ODOT because it had some pretty stringent regulations on gas stations. It gives them a little more teeth and the Zoning Inspector and the Fire Chief can work together to make sure they are enforced.

Mr. Adams suggested on page L52, Section 13.10 G that the change should be followed by, in parentheses, the location of where the district regulation is that applies. He also stated he was uncomfortable with a regulation being open ended like page L57, Section 13.18 M.

It was determined that Section 13.18 M applied to drive throughs. As a conditional use, determination of the conditions to be imposed should be dealt with on a case-by-case basis.

Mr. Morse said some of the members of the Land Use and Zoning Committee felt the percentage allowed for outdoor dining should be as high as 50% because of summertime usage. He felt on a hot day most people would be on the outside and it wouldn't affect the parking.

Mr. Zondag questioned an added percentage being needed and was told it is necessary to be able to control the nuisance factor of cars parking on the street when additional outdoor dining is available in the summer.

Mr. Schaedlich moved to approve Concord Township Case #3 with the recommendations of the Land Use and Zoning Committee and Ms. Hausch seconded the motion.

Mr. Schaedlich withdrew his motion and Ms. Hausch withdrew her second in order to include Mr. Adam's suggestion in Section 13.10 G.

Mr. Adams moved to accept the recommendations of the Land Use and Zoning Committee for Concord Township Case #3 with the suggestion for Section 13.10 G to note the location of the referenced text. Mr. Aveni seconded the motion.

All voted "Aye".

*Case #4 – Revise Section XXIX, Parking.*

The Township is revising their parking standards. Attention was brought to Restaurant Table Service on page L69. After looking at the other businesses in Concord, they realized there was a parking shortage due to the new uses in Concord Plaza and Gristmill starting to be more successful. They added 10 more spaces to the existing text and one space for every employee per maximum shift to accommodate this need.

Land Use and Zoning has recommended approval of the text as submitted.

Mr. Schaedlich moved to recommend approval of Concord Township Case #4 as submitted. Ms. Hausch seconded the motion.

All voted "Aye".

*Case #5 – Add Section XXXVI, Site Plan Review.*

Mr. Radachy explained the addition of Section XXXVI will give Concord Township a site plan review of multi-family, commercial, and industrial projects.

The Land Use and Zoning Committee is recommending approval with the following modifications:

- a. Require that right-of-way names be shown on the site plan as part of #3.
- b. Require that any proposed streets be included on the plan as part of #19.
- c. Define Zoning Commission and Board of Zoning Appeals and any other agency that is referenced in the zoning resolution in the definition section.

Mr. Radachy explained that the Subdivision Regulations define the Commission as the Lake County Planning Commission and then it is referenced throughout as "Planning Commission". The same should be done for the Concord Township Zoning Commission, etc., in their regulations.

Mr. Schaedlich moved to approve Concord Township Case #5 with the recommendations of the Land Use and Zoning Committee. Mr. Zondag seconded the motion.

Mr. Aveni thought part of the reason why townships have not historically gotten too involved in site plan review, aesthetic controls and things of that nature is based on whether or not they have the staffing capacity to perform these services. In looking over the site review process, he felt they were getting real close to what villages do where they have staff with the appropriate training to know how to guide people through that process. He felt this might be a potential danger zone for Concord Township.

Mr. Radachy described how the process would be handled as shown on the flow chart on page L82. He said this would be similar to what the Planning Commission staff does in order to let the developer know what had to be done for a subdivision. At the same time, they would be adding a couple things that have been changed in a state law regarding architectural review. It is up to the Township to hire proper staff to make sure they have the ability to handle this review.

When asked if state legislature allowed this additional township review, Mr. Boyd replied that it does and Madison Township has a site plan review, excluding architectural materials and landscape plans. Mr. Aveni stated that state legislature has gone back and forth on this issue and he thought this was a very grey area as to whether townships could do it.

Mr. Boyd said they can do it; it was referred to counsel. The question has come up a couple of times. If you want to read the site plan review and if the developer meets the zoning code on set back, it is going to get through. The Township is trying to put another set of eyes on these plans because of what they think will be going on in the corridor. Madison Township uses the site plan review. They only have to distribute them to other agencies if they need outside help. A site plan review was able to keep landscape plans in Madison from using vegetation plants from Florida.

Mr. Aveni liked the concept, but was concerned that zoning commissions may overstep their bounds when they do these reviews and start requiring things that go beyond their authority and put the township at risk.

Mr. Radachy said that they have local legal counsel to rein them in.

Mr. Webster stated, in Madison's case, the Planning Commission staff helped them with their site review. The job of the Zoning Inspector is going to become more complicated. Concord Township does have someone with this kind of background on staff.

Mr. Adams wondered how this would affect or duplicate our review of subdivisions. Mr. Radachy replied this would be site specific. They would be looking at a shopping center, whereas we would create the road and give back the lots.

Mr. Webster referred to site review in subdivisions; the township will not do this. They will site review a house when it is built to make sure it is located where it is supposed to be. This will not affect the subdivision process.

All voted "Aye".

*Case #6 – Creation of Section XXXVII, Design Standards.*

Mr. Radachy explained that the new regulations are in conformance with the plans and ORC 519.02. As per the law, exterior materials cannot be regulated. These changes are meant to create buildings with a four-sided design, hide the rooftop mechanicals and be consistent with their neighbors. This will only be applicable to the proposed GB district and be reviewed by the Zoning Commission during site plan review. Concord Township decided to grant this authority to their Zoning Commission.

Mr. Adams moved to approve Concord Township Case #6 as recommended by the Land Use and Zoning Committee. Ms. Hausch seconded the motion.

Mr. Schaedlich questioned 37.05 K2 on page L86 concerning light pollution control measures. There are building heights up to 150 feet here, whereas in the beginning text all buildings are limited to 40 feet in height.

Mr. Radachy stated there will be cases where buildings, such as church steeples allowed by variance or the hospital allowed under conditional use, would be higher than 40 feet. In these cases, this provides a standard use to be applied.

All voted "Aye".

*Case #7 – Section XXXVIII, Landscaping and Screening Standards.*

Mr. Radachy explained these regulations were relevant to any use/development involving the construction, reconstruction or expansion of structures in the B-1, B-2, BX, GB, M. S, AP or R-3 districts. It will be subject to site plan review by the Zoning Commission in accordance to ORC 519.02. These regulations are similar to what was proposed and accepted by the Concord Zoning Commission in B-1 in December.

The Land Use and Zoning Committee recommended the text change without modification.



Mr. Schaedlich moved to recommend approval of Concord Township Case #7 as proposed and Ms. Hausch seconded the motion.

Mr. Zondag expressed his feeling that tree islands do not work. They kill the trees before they get of any size and they are a waste of parking space. From a horticulturist standpoint, he said there is not any drainage built into these sites, there is no spec for good horticulture in the arborist characteristics in the regulations. There is no long-term maintenance in the package. He would rather see fencing being used for vision control or sound control. It is better to put in a structure in the long term.

Mr. Zondag continued stating, depending on what you want the trees to do; you have to provide a big enough space for the tree to grow into the site situation. Salt and other issues need to be taken into consideration. He felt developers and communities need some advice from someone with a certification in either arboriculture or horticulture rather than an engineer or architect to help get them to where they want to be on a long-term usability basis.

Mr. Aveni stated that a landscaping plan is required in the site plan and they are talking about the developers spending a lot of money before they even know they will get the go ahead.

Mr. Zondag believed they would be spending a lot of money to keep replacing the trees anyway. He felt the wrong things keep being done over and over. The answer is to sit down with the designer before something is put on paper and, if they want trees, they have to be put in so they will survive or forget the idea. A plan is needed.

Mr. Boyd stated in a parking lot, trees are used for traffic control and to give more of an aesthetic feel to the parking lot than the need of a tree in an island. Maybe we do not need to require a tree be planted in the island. Statuary or other types of plants could be used.

Mr. Klco suggested using the same language as that used in 38.03 D stating consultation/review by a certified arborist, Urban Forester or similar expert shall be used.

Mr. Zondag agreed to this compromise.

There was dissention at this time about making a motion prior to discussion only to rescind it and restate it before a vote.

Mr. Schaedlich withdrew his motion and Ms. Hausch withdrew her second.

Mr. Zondag moved to accept the recommendation of the Land Use and Zoning Committee as stated with the exception of changing Section 38.03 E to say the plan must be reviewed by a certified arborist, urban forester or horticulturist along with the certified landscape architect and/or a similar expert. Mr. Aveni seconded the motion.

Mr. Aveni asked what adding these words would accomplish and Mr. Zondag stated it would mean the landscape architect would not be alone in the process.

Seven voted "Aye".  
Mr. Morse voted "No".

*Case #8 – Miscellaneous updates to other sections in response to the new sections.*

Staff stated that Concord Township Case #8 is miscellaneous updates in Sections VI, XI, XIV, XVII, XXIII, XXVI, XXXIV and XXXV based on the fact that the Code was modified in other sections during the amendment process.

The Land Use and Zoning Committee recommended these text changes be made.

Mr. Schaedlich moved to recommend the approval of Concord Township Case #8 as submitted. Mr. Adams seconded the motion.

All voted "Aye".

*Case #9 – Amendments to Appendix I, Zoning Fee Schedule.*

Mr. Radachy stated these changes did not require any action from the Commission. They were submitted for information purposes only.

Mr. Morse wanted the minutes to show their appreciation of all the hard work that the staff did on this for Concord Township and for the 2 1/2 hours the Land Use and Zoning Committee reviewed these amendments. All agreed.

## REPORTS OF SPECIAL COMMITTEES

### Lake County Coastal Plan Committee

The coastal development video was shown between the two meetings tonight. The Coastal Plan Committee will be meeting tomorrow evening at the Lakefront Lodge in Willowick at 6:30 p.m.

## CORRESPONDENCE

### City of Willowick

Mr. Webster stated he had received a letter of thanks from the Willowick Planning Commission for the staff's review and recommendations concerning the location of a new fire station. The staff did this at no cost to show that they do have the talent and capabilities to be of assistance to them in the future.

## OLD BUSINESS

### Subdivision Regulations Public Hearing

The Secretary/Director explained this is where changes are to be made to the amendments presented at the public hearing tonight. Once changes have been made and approved, the amended regulations will go to the Commissioners for a public hearing.

The Prosecutor's Office, along with some conversations with the Health Department, requested a change to Article III, Section 10 B 4 on general requirements for lot splits to remove well water determination as a requirement for lot split review.

Mr. Schaedlich moved to approve the proposed Subdivision Regulation changes as submitted. Mr. Adams seconded the motion.

Mr. Siegel wanted to see the requirement amended to except industrial subdivisions from the new regulations because of the unneeded delays.

Mr. Schaedlich withdrew his motion and Mr. Adams withdrew his second.

Mr. Webster stated that the way the rules are proposed, every subdivision that is re-divided regardless of how it is used would need to go through the re-subdivision process that is found in the Subdivision Regulations instead of the lot split process.

Mr. Aveni thought a prosecutor's opinion might be needed because he was concerned with voting without one.

Mr. Radachy stated that a prosecutor's opinion was requested on this several months ago. This all started because we were reviewing ORC 711.24 changes in town lots. A couple of the counties were using this section to require a re-plat of platted subdivisions. The Prosecutor's Office responded that we could develop rules per 711.24 to administer these regulations and 711.24 does not forbid lot splits in platted subdivisions. We can develop any rules we want according to this section of the Ohio Revised Code.

Mr. Siegel felt a delay of 20-30 days could possibly break a proposed industrial contract when competing with other states. He also felt the current process is working and there had not been any problems with industrial lot splits to date.

Mr. Radachy respectfully submitted that he thought it would be a bad idea to exempt industrial subdivisions. He felt it could be a total nightmare in the future. State law and survey practices state you cannot have platted subdivisions with a legal description on top of them. This is why we have asked for this change. There may not have been an issue with industrial subdivisions to date, but there may be one in the future. If you split more than four lots out of the initial parcel number, you will run out of splits and then you will have to do a plat. The new process will allow you to re-plat any number of divisions. It also helps make the developers decide what kind of configuration they will use.

Mr. Aveni suggested allowing a lot split on an industrial subdivision on a temporary basis so there would be no delay. Mr. Radachy replied that once it is divided, we have no jurisdiction to take further action.

A tentative approval was suggested by Mr. Adams, who was informed that we do not have that ability either. The office does not have the authority to do more than approve or not approve.

Letters could be written to banks stating that there would be no issues with dividing the lots once we have been presented with a deed and a legal description. This is similar to a zoning

check. We can give prospective industrial people assurances that this vision will happen, but when it comes before the Planning Commission, it is possible that a roomful of people could ask for it not to be divided as it is a public forum. It also gives the Planning Commission the ability to bring up issues of wetland configurations.

Mr. Siegel stated that wetlands are going to be looked at anyway. Site review will be brought up through the whole process.

Mr. DeLeone said, after looking at the pros and cons in Ms. Nocero's memo that says you could do either and giving the statistic that, in the past five years, when she has researched something she has never been wrong, the only legal consideration would be, if you give a blanket exemption now and you have a problem later, you will have no way of fixing it.

Mr. Adams thought the members would be willing to come in for a special meeting to process an industrial lot split if time was a consideration.

In the new regulation changes, surveyors will have to do everything for a plat that they have to do for a lot split. Additionally, they will have to write a legal description. They have to prepare the same drawing for a plat with a legal description. The only difference is they sign the plat and the legal description. This would be one less step for the surveyors.

Mr. Webster added they may need signatures from the township, County Engineer, Utilities, and Health Department if necessary. Most of these signatures should already be on the original and you would not need them because the easements will already be in place. Then it could come to this body for approval, it could be signed and recorded the next day. The only thing that could slow it down is if there was an additional easement or something that was needed by the County to supply sewer, water, etc. He felt there would only be about a 10% chance of having this occur.

Noble Ridge, Phase 4 was a lot split plat. While we reviewed it, the developers circulated it and had all the necessary signatures on it before the meeting. It was approved by this body with only one minor stipulation; the Director signed it; it went to the Commissioners; and was recorded within 30 days.

Unless you are dedicating an easement to the Commissioners, they do not have to sign a plat. The only ones who will need to sign it are the County Engineer and the Secretary/Director of the Planning Commission. Township officials have a signature line as a protocol.

Mr. Schaedlich stated when someone is coming to look at property, you still need to have a surveyor out there and still have to develop the plat, legal description and everything. It is not like someone is going to come in and split a lot in 48 hours.

The plat review period under 711.10 says we have up to 30 days to review a plat. We can set our time frames to seven days. All we need to do is give the township a seven-day notice that we are reviewing the plat.

A suggestion was made to submit an industrial plat split into 25-acres each and combine them when requested. Mr. Siegel said this would not work because the amount of land needed depends on the prospective company's needs and the physical conditions of the sites.

Mr. Klco suggested getting the County Engineer's response to this industrial exemption issue being as his support was given without this knowledge and asked if this decision could wait.

Mr. Webster said it did not have to, but the sooner we get it to public hearing the better.

Mr. DeLeone said he thought there was something in Ms. Nocero's letter stating something about a window closing on April 15.

Staff believed Ms. Nocero may have confused this timeline with that of a state law change concerning defining original tract. However, we do not want to go against the advice of legal counsel and she said this had to be done in April.

Mr. Siegel asked for a roll call to be taken.

Mr. Schaedlich moved to approve the Subdivision Regulations amendments as submitted with the modifications to Article III, Section 10 B 4 to eliminate "well water determination" and to exempt industrial subdivisions from Article III, Section 10 B 3 and thereby exempting industrial subdivisions. Mr. Aveni seconded the motion.

The Secretary/Director took a roll call.

Mr. Adams – Yes  
Mr. Aveni – Yes  
Ms. Hausch – Yes  
Mr. Klco – No

Mr. Morse - Yes  
Mr. Schaedlich – No  
Mr. Zondag – No  
Mr. Siegel – Yes

Motion carried.

## NEW BUSINESS

### Annual Report

A copy of the 2006 Lake County Planning Commission Annual Report had been mailed to the members. Mr. Webster asked if there were any changes. None were given.

Mr. Adams moved to approve the 2006 Lake County Planning Commission Annual Report and Mr. Morse seconded the motion.

All voted "Aye".

Mr. Webster stated the Public Officials Directory is currently at the printers and will be distributed at the next meeting.

Mr. Adams said this group had asked the Assistant Prosecutor at the last meeting to look into homeowner associations and what actions could be done immediately if they did not fulfill their maintenance obligations.

Mr. Webster has not received any response. Lake County Stormwater is also grappling with this issue.

Mr. DeLeone stated, if you are going to have a requirement that homeowner associations maintain things, there also legally needs to be something in it that allows for whose responsibility this becomes at the dissolution of a homeowner's association.

#### PUBLIC COMMENT

There was no public comment.

#### ADJOURNMENT

Mr. Zondag moved to adjourn the March 27, 2007 meeting at 9:23 p.m. and Mr. Adams seconded the motion.

All voted "Aye".

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Timothy C. Brotzman, Chairman

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Darrell C. Webster, Director/Secretary